

1 drug lord in Dayton, Ohio.

2 To the best of my recollection, I believe I
3 saw that show and Charles Lee, again to the best of
4 my recollection, was a black male and it just seemed
5 to me that this is sort of - is one of the kind of
6 situations. The only time you see a lot of black
7 folks in there is when it's talking about crime, so
8 this is one of the situations that I identified.

9 Q. That's a program that you had in mind as a
10 program which tarnished the already blemished image
11 of African American males?

12 A. Correct.

13 Going onto Page 12, halfway down the page,
14 Feedback #166, this was a panel discussion featuring
15 attorney Harold Ray and some local folks who again
16 were talking about the fear in the community and
17 essentially dealing with, I believe, Northwest Fort
18 Lauderdale which is a predominantly black area of
19 Fort Lauderdale.

20 Q. You find in that program description some
21 indication that the program tarnishes the image of
22 African American males?

23 A. Well, the description - not in the
24 description itself. I know the people involved and
25 I'm looking at the topic itself, eliminating the fear

1 and they defined the vigilante group that try to take
2 things into their own hands.

3 From the standpoint of what goes into
4 people's minds, I think it's pretty clear that when
5 people consider crime, street level crime, they're
6 thinking about black men.

7 Q. Do you know that attorney Harold Ray
8 described here as the moderator is, in fact, himself
9 a black man?

10 A. No.

11 Q. Do you know Captain William Burn? Is he
12 white or black?

13 A. Black.

14 Q. Do you know Cynthia Wood?

15 A. Yes, I do. She's black.

16 Q. Do you know Jerry Kolo?

17 A. Right.

18 Q. Is he white or black?

19 A. He's black.

20 Q. Do you know Carolyn?

21 A. Carolyn is also black.

22 Q. Carolyn Homer is also black?

23 A. Uh-huh.

24 Q. Did you have another program?

25 A. Pages 14, Miami Praise the Lord, Harold and

1 Brenda Ray interview pastor and attorney Dr. O'Neil
2 Dozier.

3 Q. Which program?

4 A. Praise the Lord at the top of the page.

5 Q. Go ahead.

6 A. Their area of ministry is that of the black
7 people, the poor and the drug addicts. They share
8 how The World Wide Christian Center has become a
9 place of refuge for these people.

10 Q. That's one of the programs you had in mind
11 as tarnishing the image?

12 A. Right.

13 Q. And again, you've told me you don't know
14 Harold Ray. Are you aware that Brenda Ray is a black
15 person?

16 A. Well, only based on what you just told me.

17 Q. But you were not previously aware?

18 A. No.

19 Q. Do you know Dr. O'Neil Dozier and his wife?

20 A. Yes.

21 Q. Do you know whether they're black or white?

22 A. Both black.

23 Q. All right. Any other program?

24 A. Miami Praise the Lord on Page 15, second
25 entry, Harold and Brenda Ray host an interview with

1 attorney Jack Thompson who talks about 2 Live Crew.

2 Q. 2 Live Crew was a pretty big issue in South
3 Florida at this time, was it not?

4 A. Correct.

5 Q. What is there about the program description
6 on that program that suggests to you that it had
7 tarnished the already blemished image of the African
8 American male?

9 A. The problem with every entry I'm going to
10 identify with you is that if you don't have black
11 people involved in other types of issues,
12 particularly talking about the good things that are
13 going on, I mean it just looks like they've only got
14 them on there because you're an expert in crime, the
15 crime is endemic in your neighborhood, and so from my
16 standpoint, you've got to give these people an
17 opportunity to talk about some other types of things.
18 I mean --

19 Q. Do you know whether attorney Jack Thompson
20 is black or white?

21 A. He's white.

22 Q. I don't know if I interrupted your last
23 answer or not. Go ahead. Do you have another one?

24 A. Yes. Page 20, Miami Praise the Lord,
25 Number 12-28-90, that's again a show on 2 Live Crew.

1 Q. What is the problem there? Were the
2 participants in 2 Live Crew, the members of the
3 group, are they black or white?

4 A. The issue with me is not a participation
5 of - necessarily a participation of blacks or whites.
6 The issue is the issue that they're discussing and
7 how it seems to me that there is an inordinate focus
8 on blacks and crime or blacks and obscenity and this
9 type of thing. That's the issue.

10 The fact that you got black folks on there,
11 that's good, but the fact that - the fact that you
12 have black hosts and hostesses in and of itself does
13 not really address the issue that I'm talking about.

14 Q. And the issue you're talking about?

15 A. The issue I'm talking about is it seems to
16 me to be an inordinate amount of focus with regards
17 to blacks being involved in some type of criminal
18 situation.

19 Q. Do you have another program?

20 A. Uh-huh.

21 A. On Page 23. This seems to be a rerun of
22 the previous panel discussion, is that correct?

23 Q. Yes.

24 A. Feedback #166.

25 Q. Page 23, April 16, 1990 seems to be a

1 rerun, yes.

2 A. Page 28, this is Miami Praise the Lord,
3 Pastor Diaz shows the interview of Mary Branch,
4 Pastor of Bible Talk School of Faith. It makes
5 reference to the familiar spirit that controls the
6 minds of and addict or alcoholic.

7 I know Dr. Branch is a black woman who was
8 a pastor of the Bible School Talk of Faith.

9 Q. Go ahead.

10 A. Page 29, Praise the Lord, Jerry and Sandy
11 Barnard interview Dr. John Perkins, a Black educator
12 and civil rights leader who talks about a life time,
13 et cetera, et cetera.

14 Q. This is Page 29, that's the program
15 beginning at the bottom of the page?

16 A. Right.

17 Q. And of course, that is not carried through
18 onto the next page because that is listed under the
19 topic of discrimination and minority groups, but your
20 concern about that program or as much of it as we
21 have is what?

22 A. My concern is that you got to -- I mean, if
23 you're going to have black folks, why do they have to
24 talk about crime? Why do they have to talk about --
25 Have them talk about something else.

1 Q. Does that indicate to you to be fair,
2 Mr. Cherry, that Dr. John Perkins was talking about
3 crime or does that indicate to you that he was
4 talking about discrimination?

5 A. It indicates to me that he was talking
6 about crime.

7 Q. Where do you see that in the three lines we
8 have there?

9 A. Perkins, author of four books, among them
10 With Justice for all --

11 Q. Is there a page missing?

12 A. No.

13 Q. Let me explain to you. There are topics
14 such and such on Page 29, crime is at the top and
15 discrimination/minority groups is at the bottom.

16 The particular document that is Trinity
17 Exhibit 8 was intended to include only the references
18 to the programs listed as something having to do with
19 crime.

20 So, the one that you have seized on at the
21 bottom of the page is not represented as dealing with
22 crime, but I nevertheless ask you if it does not
23 suggest to you what you can learn about it, that it
24 doesn't deal with crime but does deal with
25 discrimination.

1 A. No, not based on what I can read basically
2 because when I took a look at it, I flipped over to
3 the next page and didn't see the category of crime.

4 Q. Do you know Dr. John Perkins?

5 A. No.

6 Q. Do you know of him?

7 A. No.

8 Q. Do you know anything about his book that is
9 listed here?

10 A. No.

11 Q. Let me interrupt you here just a moment.
12 Did Mr. Honig or his colleague send to you any of the
13 programs of the station that were listed as dealing
14 with the issue of discrimination or minorities or did
15 they just send you the programs dealing with AIDS and
16 crime?

17 A. Just AIDS and crime.

18 Q. Would you go ahead then with your answer.

19 A. Okay. Page 36, Miami Praise the Lord.
20 It's at the bottom of the page, Captain Paul
21 Urschelitz of the Crime Prevention/Planning and
22 Research Department Fort Lauderdale Police Department
23 talks about the subject of crime. He points out that
24 a large ring of crime flows from crack houses, which
25 we know are centralized and located primarily in the

1 black neighborhood.

2 Q. And that you cite as something which
3 tarnishes the image of African American males in and
4 of itself or is it that it fails to deal with another
5 subject that you think it should deal with?

6 A. I think it does both. One, as we know,
7 crack cocaine sales and purchasing are centralized,
8 and I think by design, in the black community.

9 So, when you talk about crack, you're
10 talking about the black community. When you are
11 talking about cocaine in powder form or the more
12 chemically based hallucinogens, you're not talking
13 about primarily black people. So, I think when you
14 talking about crack, you are talking about black
15 folks for the most part and I think that's the
16 perception in most people's minds.

17 Q. You're not suggesting that the issue of
18 crack should not be discussed?

19 A. No. No, I'm not.

20 Q. I'm sorry. I interrupted you again.

21 A. The other thing is let's broaden the
22 discussion of crime and let's talk about white collar
23 crime. Let's talk about the fraud and the deception
24 and the big money kind of situations. Let's talk
25 about the fact that we have a whole lot of big money

1 people that are involved in the distribution of the
2 cocaine. You know, let's bring those issues into the
3 open.

4 I think that they're doing a disservice by
5 focusing in on basically the street level and not
6 doing -- and doing a disservice by not looking a lot
7 higher.

8 Q. Didn't you find in Trinity Exhibit 8
9 indications that white collar crime was also
10 discussed in this station?

11 A. I didn't find too many.

12 Q. But you found some?

13 A. Not too many to my recollection.

14 The 700 Club, this is on Page 40, and this
15 is Pat Robinson introducing a report on gang violence
16 in L.A. Gang activity has now spread over the
17 country and now is in over fifty cities. Two rival
18 gangs, the Crypts and the Bloods have spread to
19 Portland.

20 Crypts and the Bloods are two predominantly
21 black gangs and again, I think the perception of most
22 people is that when you talk about gang activity, you
23 are talking about young black males.

24 Q. Since we're on Page 40, let me direct your
25 attention to the program at the bottom of the page

1 there which is not indexed under crime but under
2 discrimination and ethnic groups.

3 Do you know Dr. Larry Capp?

4 A. Yes, I do.

5 Q. Is he a black person?

6 A. Yes.

7 Q. Go ahead.

8 A. Page 49, Miami Praise the Lord, says Gloria
9 Williams talks with Mary Branch.

10 Q. I understand that.

11 A. Hosts Isaiah and Gloria Williams talk with
12 Dr. Mary Branch, Pastor of Bible Talk School of Faith
13 and author of "From Crack to Christ".

14 Q. And you'll notice that is indexed under the
15 topic of drugs and alcohol abuse. Focus on it for
16 just a moment. Again, is it not a fact that all
17 three of the participants in that program are black
18 persons?

19 A. Sure.

20 Q. Go ahead.

21 A. That's it.

22 Q. To take an area in which you are, yourself,
23 an expert by experience as a prosecutor, did you not
24 notice as you went through Trinity Exhibit 8 a number
25 of programs dealing with the issues of obscenity and

1 pornography?

2 A. A few.

3 Q. Sir?

4 A. Yes, a few.

5 Q. And those are not crimes that are black
6 specific in the way that you have suggested crack
7 cocaine is black specific?

8 A. No. But the summary seems to focus on the
9 whole 2 Live Crew issue and I kept up with what was
10 happening as far as the issue was concerned and with
11 some of the responses of Jack Thompson, who is a
12 Florida attorney who was the main antagonist with
13 Luther Campbell and the whole situation.

14 Q. You would agree, would you not, that a
15 program dealing with crime and specifically with the
16 crime of fraud is not subject to the criticism that
17 it focuses on the black community?

18 A. By its very nature, no.

19 Q. And that would also be true of armed
20 robbery?

21 A. Possibly.

22 Q. Also be true of shoplifting?

23 A. Shoplifting, I'm not sure.

24 Q. Would it also be true of obscenity and
25 pornography which is not specific to the issue of

1 2 Live Crew?

2 A. That's possible.

3 Q. Mr. Cherry, just so the record is complete
4 and because we live in an era when names come up on a
5 daily basis, are you the Charles W. Cherry, the II,
6 whose name appears in FCC reports in connection with
7 a comparative proceeding for an FM station in Holly
8 Hill near Daytona Beach?

9 A. Yes.

10 Q. And you are the owner, are you not, or a
11 principle owner of an AM radio station in south
12 Daytona?

13 A. Yes.

14 Q. And now I confess I've forgotten, are you
15 also the owner of a newspaper in the Daytona area?

16 A. Shareholder.

17 Q. Help me with the name of that paper.

18 A. Daytona Times, Inc.

19 Q. Is that a daily or weekly --

20 A. Weekly.

21 Q. Does this have an orientation particularly
22 to the black community or is it the community at
23 large?

24 A. The black community.

25 Q. When you wrote in your statement that the

1 Programs/Issues Lists of Channel 45 presented
2 programs geared toward punishing the criminal, but
3 not programs preventing individuals from engaging in
4 crime, at that point when you signed that, did you
5 have a particular program or number of programs in
6 mind?

7 A. I don't remember.

8 Q. Isn't it a fact as you go through the
9 programs on Trinity Exhibit 8, you find a number of
10 programs dealing with rehabilitation of persons who
11 have previously engaged in crime? You noticed that,
12 didn't you?

13 A. What I noticed were a number of programs
14 that seem to be geared toward personal testimony and
15 less toward approaching it from a systematic
16 standpoint.

17 Q. And is it fair to say in your experience
18 there have been instances of rehabilitation reflected
19 in personal testimony even in religious experience?

20 A. Yes.

21 Q. You don't deny it can happen?

22 A. Rehabilitation from any standpoint is fine
23 with me. No, I don't deny that a person can't be
24 rehabilitated via religion.

25 Q. You'll take it where you can get it, any

1 type of rehabilitation?

2 A. That's right.

3 Q. To be fair, let me call your attention to
4 an instance in Trinity Exhibit 8 where I did find an
5 emphasis on punishment and that's on page 54, the
6 program on November 30, 1989, Feedback #154. Do you
7 find there a Broward County detective saying that
8 child abuse is an outright crime and that offenders
9 should be behind bars?

10 A. That's what it says.

11 Q. And would you agree that's an
12 understandable statement whether or not it's correct?

13 A. It's understandable.

14 Q. Focus on the people on that panel who are
15 listed there. Do you know Detective Curt Navarro?

16 A. No.

17 Q. Do you know Joseph Billups?

18 A. No.

19 Q. Do you know Lorna Spivak?

20 A. No.

21 Q. Do you know Jeanne Miley?

22 A. I've had a chance to talk to her, but I
23 don't know her well.

24 Q. Do you know if any of those persons, if
25 you'll permit a multiple in form question, is a black

1 person?

2 A. I don't know.

3 MR. MULLIN: That's all I have. Thank you
4 very much.

5 THE WITNESS: Do you have some questions?

6 MS. ROBINSON: One question.

7 REDIRECT EXAMINATION

8 BY MS. ROBINSON:

9 Q. Mr. Cherry, in your review of the
10 Issues/Programming Lists as well as your personal
11 viewing of the station, do you recall any coverage on
12 cocaine use versus crack use as a criminal topic?

13 A. No. No, I don't recall.

14 By cocaine, you mean other than in the
15 crack cocaine form?

16 Q. Exactly.

17 A. No, I don't recall.

18 MS. ROBINSON: Thank you.

19 (Whereupon, the deposition was concluded.)
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6 AND FURTHER DEPONENT SAITH NOT
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9

10 CHARLES CHERRY

11 SWORN TO AND SUBSCRIBED TO before me on this
12 day of , 1993, in the City of
13 Fort Lauderdale, Broward County, Florida.
14
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17 Notary Public - State of Florida
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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, the undersigned authority, certify that
CHARLES CHERRY personally appeared before me and
was duly sworn.

WITNESS my hand and official seal this
5th day of October, 1993.


JODY L. WARREN

Notary Public - State of Florida
My Commission Expires: 2/18/95



CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF BROWARD:

I, JODY L. WARREN, being a Shorthand Reporter and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing deposition; and that said transcript is a true record of the testimony given by the witness.

I further certify that I am not an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

Dated this 5th day of October, 1993.


 JODY L. WARREN

STATE OF FLORIDA)
 COUNTY OF BROWARD)

The foregoing certificate was acknowledged before me this 5th day of October, 1993, by Jody L. Warren, who is personally known to me.


 Notary Public - State of Florida

SALDO #4

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of

MM Docket No. 93-75

TRINITY BROADCASTING OF FLORIDA,
INC.

BRCT-911001LY

For Renewal of License for
Television Station WHFT (TV)
Miami, Florida

GLENDAL E BROADCASTING COMPANY

BPCT-911227KE

633 South Federal Highway
Fort Lauderdale, Florida
September 15, 1993
Wednesday, 10:45 a.m.

DEPOSITION OF SHERWOOD DUBOSE

Taken before Jody L. Warren, Shorthand
Reporter, Notary Public for the State of Florida at
Large, pursuant to Notice of Taking Deposition filed
in the above cause.

COPY

Federal Communications Commission

Docket No. 93-75 Exhibit No. S. 4

Presented by Hornig

Disposition: { Identified **DEC 3-1993**
Received
Rejected **DEC 3-1993**

Reporter A. W. [Signature]

Date **DEC 3-1993**

1 APPEARANCES:

2

3 MULLIN, RHYNE, EMMONS & TOPEL
4 By: EUGENE F. MULLIN, ESQUIRE
on behalf of Trinity.

5 RONDA R. ROBINSON, ESQUIRE
6 on behalf of SALAD.

7

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11

I N D E X

12

Witness
SHERWOOD DUBOSE

Direct
3

Cross

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16

EXHIBITS

Trinity Exhibit 26 and 27 3

17

SALAD Exhibit 8 3

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1 (Thereupon, Trinity Exhibit 26 and 27 were
2 marked for identification by the court reporter.)
3

4 Thereupon:

5 SHERWOOD DUBOSE

6 was called as a witness and, having been first
7 duly sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. ROBINSON:

10 Q. Could you state your name and address for
11 the record, please?

12 A. Yes. Sherwood Dubose, 1605 Northwest 188th
13 Terrace, Miami.

14 Q. Could you describe to us the document that
15 I'm placing in front of you?

16 A. Yes. This is a copy of my resume
17 describing my educational and professional background
18 and the many things I'm involved in.

19 MS. ROBINSON: Okay. I would like to have
20 this marked as SALAD deposition Exhibit Number
21 8.

22 (Thereupon, the above-referred to document
23 was marked as SALAD Exhibit 8 for identification
24 by the court reporter.)
25

CROSS EXAMINATION

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BY MR. MULLIN:

Q. Mr. Dubose, we have had marked for identification in this proceeding as Trinity Exhibit Number 26 the notice of deposition directed to you. I would ask you, did you receive that?

A. Yes.

Q. And you received that from whom?

A. Dave Honig.

Q. And when did you receive that, do you recall?

A. The exact date you mean?

Q. Approximately.

A. September 3 maybe. I really don't recall.

Q. We've also marked as Trinity Exhibit 27 a subpoena duces tecum directed to you and attached to it is the copy of your one page Declaration. Did you also receive the subpoena from Mr. Honig?

A. Yes.

Q. And did you receive it at the same time or a later time or do you recall?

A. I don't know which came first, but it was close in terms of time.

Q. How long?

A. Days apart.